

EDO Principal Correspondence Control

FROM: DUE: 07/03/02 EDO CONTROL: G20020386  
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FINAL REPLY:

Marilyn C. Kray  
Exelon Generation

TO:  
Chairman

FOR SIGNATURE OF : \*\* PRI \*\* CRC NO: 02-0440  
Chairman

DESC: ROUTING:  
Comments on SECY-02-0067, "Inspections, Tests, Travers  
Analyses, and Acceptance Criteria (ITAC) for Paperiello  
Operational Programs (Programmatic ITAAC)" Kane  
Norry  
Craig  
Burns  
Cyr, OGC

DATE: 06/24/02

ASSIGNED TO: CONTACT:  
NRR Collins

SPECIAL INSTRUCTIONS OR REMARKS:

Template: secy-017

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OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

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**PAPER NUMBER:** LTR-02-0440 **LOGGING DATE:** 06/21/2002  
**ACTION OFFICE:** EDO

**AUTHOR:** Marilyn Kray (Exelon)  
**AFFILIATION:** PA  
**ADDRESSEE:** CHRM Richard Meserve  
**SUBJECT:** Provides comments on SECY-02-0067, "Inspections, Tests, Analyses, and Acceptance criteria (ITAAC) for Operational Programs (Programmatic ITAAC)"

**ACTION:** Signature of Chairman  
**DISTRIBUTION:** RF

**LETTER DATE:** 06/03/2002  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** SECY to Ack  
**NOTES:** CHAIRMAN CORRESPONDENCE  
**FILE LOCATION:** ADAMS

**DATE DUE:** 07/08/2002 **DATE SIGNED:**

EDO --G20020386

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June 3, 2002

The Honorable Richard A. Meserve, Chairman  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16 C1  
Washington, DC 20555-0001

**SUBJECT:** Comments on SECY-02-0067, "Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) for Operational Programs (Programmatic ITAAC)"

**REFERENCE:** Letter from J. Colvin, Nuclear Energy Institute, to R. Meserve dated May 13, 2002

Dear Chairman Meserve,

The purpose of this letter is to express Exelon Generation Company's strong concern with the NRC's proposal in SECY-02-0067. Exelon Generation Company has actively participated in discussions between the NRC and the industry regarding the development of a predictable and efficient process for new nuclear plant licensing and construction, including discussions involving ITAAC. Exelon Generation Company fully supports the industry views presented in the above referenced letter, with emphasis that SECY-02-0067 does not describe a process that has a defined purpose or scope, does not address all of the industry's concerns, and will not add any regulatory or safety value above the regulations and processes that currently exist.

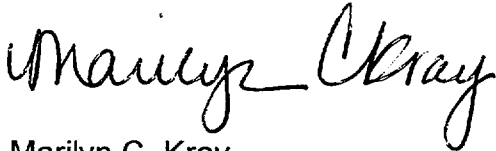
In brief, the Nuclear Energy Institute stated that programmatic ITAAC were not necessary because 1) it was not the Congress' intent, nor that of the Atomic Energy Act or Part 52 of Title 10 of the Code of Federal Regulations to require programmatic ITAAC; in fact during rulemaking, the topic was addressed and the Commission stated that combined license ITACC should not include ITAAC on operational programs, 2) the need for programmatic ITAAC had not been clearly established, 3) the NRC already had adequate authority and ability to make the findings required by law to issue a combined license under Part 52, and 4) the question of programmatic ITAAC was not a safety issue, but rather a policy issue to decide whether an additional determination beyond existing NRC inspection and enforcement activities was required.

We encourage the Commission to seek resolution of this issue that will result in the predictable and efficient process for which 10 CFR Part 52 was originally envisioned.

The Honorable Richard A. Meserve, Chairman  
June 3, 2002  
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Exelon Generation Company endorses the views as presented by the Nuclear Energy Institute and further encourages the Commission to give careful consideration to the industry views in its decision.

Sincerely,

A handwritten signature in black ink that reads "Marilyn C. Kray". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Marilyn C. Kray  
Vice President  
Special Projects

KFB/sjz

xc: The Honorable Greta J. Dicus  
The Honorable Nils J. Diaz  
The Honorable Edward McGaffigan, Jr.  
The Honorable Jeffrey S. Merrifield  
William D. Travers ✓  
William F. Kane  
Samuel J. Collins  
R. William Borchardt  
James E. Lyons